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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/674,276 | 09/26/2003 | John C. Bucher | 381123.00087 | 3111 |

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EXAMINER

NGUYEN, NINH H

ART UNIT PAPER NUMBER

3745

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,276

Applicant(s)

BUCHER ET AL.

Examiner

Ninh H. Nguyen

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-11, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Korb (2,815,997).

Korb discloses a board (Figs. 1-9; col. 1, lines 22-30) comprising at least two longitudinal slats position side by side (Fig. 3); at least one hole constructed through an interior of the at least two longitudinal slats (Fig. 3); a dowel 21 placed through the hole to secure the at least two longitudinal slats firmly together;

wherein the board further comprising a threaded portion 26 (Fig. 1) on one end of the dowel for receiving a cap that secures the dowel in the hole;

wherein the dowel further comprises a fixed cap 22 (Fig. 1) rigidly secured to one end of the dowel;

wherein the screwed on cap is designed to retract the screwed on cap and the fixed cap into the slats when screwed on to the threaded portion (Fig. 3);

wherein both ends of the dowels are threaded to receive threaded end caps (Fig. 8); and

wherein the threaded caps are designed to receive a tool for securing the threaded end caps to the threaded ends of the dowel (col. 4, lines 35-41).

Art Unit: 3745

3. Claims 1, 2, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rieger (2,366,652).

Rieger discloses a model airplane fuselage (Fig. 1-8) comprises a series of parallel wooden slats (Fig. 2); a hole running approximately perpendicular to the series of slats through an interior portion of the slats; a wooden dowel 48 configured to be received in the hole such that the series of slats are secured together.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieger in view of Rahaim (2,702,926).

Rieger discloses all the limitations except the fuselage does not comprise an adhesive to secure the wooded dowel to the hole and the dowel does not have grooves as claimed.

Rahaim teaches wood joining usually involves forming a mortise, applying glue to the mortise and inserting a dowel into the mortise (col. 1, lines 35-39); wherein the dowel comprises longitudinal grooves for proper glue distribution along the dowel (col. 2, lines 55-58).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the fuselage of Rieger with the hole filled with glue and with the

Art Unit: 3745

dowel having longitudinal groove for the purpose of obtaining proper glue distribution along the dowel as taught by Rahaim.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korb in view of Cox (5,421,430).

Korb discloses all the limitations except there is no material is placed over the exposed ends of the dowel such that the dowel is enclosed within the slats as claimed.

Cox teaches a collapsible sawhorse (Fig. 1) made of members 12, 14, 16, 18, 20, and 22 joined together using dowels with ornamental cap plugs (col. 4, lines 18-23).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the board of Korb with cap plugs disposed over the exposed ends of the dowel for the purpose of improving aesthetic value of the board as taught by Cox.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 2 patents.

Dornier (1,785,543) is cited to show a propeller made of plurality of slats joined together by bolts.

Caldwell (5,860,389) is cited to show a wooden joins having plug caps.

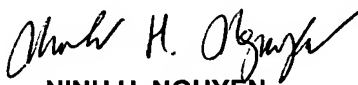
Art Unit: 3745

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (703) 305-0061 or (571) 272-4823 after November 18, 2004. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044 or (571) 272-4820 after November 18, 2004. The fax number for this group is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
November 4, 2004